

## REMARKS

Claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 33, 37, 38, 116 and 131 are pending in the present application. The Applicants respectfully traverse the Examiner's rejection of the pending claims.

Claim 131 is objected to because of some informalities. By way of this amendment, claim 131 has been amended to address these informalities, and has not been amended in view of any prior art. No new subject-matter has been introduced.

In the Office Action, claim 1 stands rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,992,752 to Wilz, Sr., et al. (*Wilz*) in view of U.S. Patent No. 6,199,048 to Hudetz et al. (*Hudetz*). In view of the following remarks, the Applicants respectfully request reconsideration of the Examiner's rejection of claim 1. Claim 1 calls for a remote device to receive information from a plurality of code scanners where the received information from each bar code scanner includes source and bar code information. The Examiner alleges that *Wilz* teaches this claimed feature. The Applicants respectfully disagree. *Wilz* at least does not teach receiving source information from the bar code scanner, and it also does not teach receiving bar code information.

With respect to the "source information," claim 1 calls for receiving information at the remote device from the plurality of scanners where the received information is from each bar code scanner that includes source information. In other words, the claim specifies that the source information is received from the bar code scanner. The Examiner alleges that *Wilz* teaches this claimed feature insofar as it teaches receiving information from each terminal 26 and the

Examiner further argues that each terminal 26 will necessarily have its network or device identifier. A closer review of Figure 3 of *Wilz*, which is relied upon by the Examiner to show this receiving claim feature, shows that the terminal 26 in fact communicates with a base station 27 and it is the base station 27 that further communicates with the ISP 4. Because the base station 27 serves as the interface between the terminal 27 and the network that includes the ISP 4, the ISP 4 of *Wilz* is unaware of the existence of the terminal 26, and thus does not, and cannot, receive any source information from the terminal 26. Rather, it is the base station 27 that transmits and communicates information with the ISP 4 and vice versa. Thus, the ISP 4, which the Examiner alleges corresponds to the “remote device” of the claimed invention, does not receive source information of each bar code scanner. At most, it receives source information about the base station 27, and not the terminal 26. For this reason alone, claim 1 is allowable.

With respect to the bar code information, the Examiner argues that *Wilz* discloses that the ISP 4 receives the bar code information. The Applicants respectfully disagree and maintain that *Wilz* at least does not teach a remote device that receives information that includes bar code information. While the Examiner alleges that the information from the bar code symbol 8 is received by ISP 4 (see page 3 of the Office Action), the Examiner conspicuously fails to provide any support from *Wilz* as to precisely which “bar code information” is received by the ISP 4. Indeed, *Wilz* teaches that the only information associated with the bar code that is transmitted to the network (which includes the ISP 4) is an URL of a web-site that is encoded as part of the bar code symbol 8. The Examiner cannot contend that this URL of a web-site is the “bar code information” because the Examiner argues that this URL corresponds to the “destination information” recited in the next element of claim 1. In other words, the Examiner cannot use the URL of the web-site to satisfy two, different expressly recited claimed features. This is clearly

improper. In the instant case, because the Examiner asserts that the URL corresponds to the “destination information,” the Examiner has failed to show which “bar code information” is received by the ISP 4. For this additional reason, claim 1 is allowable.

The Examiner also argues that the “identifying” step of claim 1 is taught by *Wilz*. At the same time, the Examiner acknowledges that *Wilz* does not teach identifying destination information that is stored in the database. The Examiner argues that this missing feature is supplied by *Hudetz*.

With respect to *Wilz*, the Examiner argues that *Wilz* teaches the act of identifying at least a portion of the destination information insofar as it teaches that a website’s URL (which corresponds to the “destination information” according to the Examiner) is received by the ISP 4. The Examiner’s reliance on *Wilz* is erroneous. Claim 1 calls for identifying destination information that is stored in a database based on the received bar code information. However, in relying on *Wilz*, the Examiner simply ignores that recited claim feature specifies that the act of identifying the destination information is based on the received bar code information. As noted earlier, there is no bar code information that is received by ISP 4 of *Wilz*. As such, there can be no identification of destination information based on the received bar code information.

The Examiner’s reliance on the combination of *Wilz* and *Hudetz* is also erroneous. A closer inspection of these cited references reveals that there is no motivation to combine the references in the manner suggested by the Examiner. In fact, the references indicate that there would be no motivation to combine the teachings in a manner alleged. The Examiner contends that the URL of the website in *Wilz* and *Hudetz* corresponds to the “destination information” of claim 1. *See* Office Action, pages 3 and 5, respectfully. In *Wilz*, according to the Examiner,

the URL of the website is received by the ISP 4 from a web browser, and in *Hudetz*, the URL is stored in a database. The Examiner argues that the teachings of *Wilz* and *Hudetz* can be combined to arrive at the claimed combination. The Applicants respectfully disagree. Recalling that claim 1 calls for identifying at least a portion of the destination information based on the received bar code information, it becomes apparent that the two references clearly fail to provide the requisite motivation for the suggested combination. If the ISP 4 receiving the URL constitutes “identifying” the destination information, as alleged by the Examiner, then, in *Wilz*, the mere reception of the URL would “identify” the destination address, and thus there would be no motivation or even a need to “identify” any destination information stored in a database (as that information is already available to the ISP 4). Thus, even though *Hudetz* teaches storing URLs in a database, *Wilz* does not state or even suggest that the URL be accessed from the database. Indeed, to the contrary, *Wilz* teaches using the URL transmitted from a remote browser to access the contents of the website associated with that URL. See *Wilz*, col. 11, line 13 – col. 12, line 35. As such, there would be no need to “identify” the destination information (e.g., URL) in a database (and certainly not based on the received bar code information), as it is already available to the ISP 4.

The Examiner relies on *Wilz* and U.S. Patent No. 5, 979,762 (*Bianco*) to reject claim 116, arguing that claim 116 is taught by the combination of these references. The Applicants respectfully disagree. Claim 116, among other things, calls for connecting a user to a telephone number or an internet portal when the bar code is read with a bar reader, depending on whether the bar code is encrypted. None of the cited references, when considered alone or in combination, teaches at least this claimed feature.

**Bianco** teaches that a standard bar code can be read by any standard barcode reader, whereas an encrypted bar code can be read by only a special decoder. Based on this teaching, the Examiner takes a leap of faith to conclude that the “connecting” claimed feature is taught because a “user would be connected to a secure application through an internet portal if the bar code was encrypted and the special decoder was used, or the user would not be connected if an encrypted bar code or special decoder was not used.” See Office Action, page 10.

The Examiner’s argument is flawed. In **Bianco**, the connection to the Internet is not based on whether the bar code is encrypted. Rather, **Bianco** teaches that a user may read the barcode if that user has the appropriate equipment (*i.e.*, a special decoder for encrypted barcodes and a standard reader for the standard codes). Claim 116, on the other hand, calls for connecting depending on whether the bar code itself is encrypted. In **Bianco**, the nature of the barcode (*i.e.*, whether it is encrypted or unencrypted) does not determine whether the user can read, and, hence, access the network. To the contrary, **Bianco** teaches that both versions of the barcode (standard or encrypted) can be read with the appropriate equipment (and, hence, be subsequently transmitted). Thus, notwithstanding the Examiner’s statements, the combined references do not teach connecting to a telephone or Internet based on the whether the bar code is encrypted (rather the combined teachings indicate that a user may make the connection if the appropriate bar code reader is available to the user, regardless of the encryption-nature of the barcode). Accordingly, for this reason alone, claim 116 is allowable.

With respect to claims 11, 30, and 131, the Examiner takes “Official Notice” to make a case of obviousness. Because the Office cites no specific reference to support this “obviousness” assertion, the Applicants infer that the Examiner makes this assertion based on personal

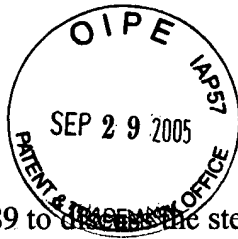
knowledge. However, no supporting affidavit has been made of record. The Applicants respectfully request that prior art be provided to substantiate this “obviousness” assertion or that an affidavit be filed in accordance with 37 C.F.R. § 1.104(d)(2), which states (emphasis added):

(2) When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference *must* be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

Consequently, the Applicants respectfully and seasonably request the Office to either (1) cite a reference in support of this position, or (2) provide a Rule 104(d)(2) affidavit from the Examiner supporting any facts within the personal knowledge of the Examiner, as also set forth in M.P.E.P. § 2144.03. Moreover, the Examiner is requested to establish a *prima case* of obviousness by providing the requisite motivation to combine the prior art teachings and reasonable expectation of success.

Arguments with respect to other dependent claims have been noted. However, in view of the aforementioned arguments, these arguments are moot and therefore not specifically addressed. To the extent that characterizations of the prior art references or Applicants’ claimed subject matter are not specifically addressed, it is to be understood that Applicants do not acquiesce to such characterization. Reconsideration of the present application is respectfully requested. In light of the arguments presented above, Applicants respectfully assert that all of the claims are allowable. Accordingly, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned patent agent at the Houston, Texas telephone



number (713) 934-4089 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Date: 09/26/05

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